

### **REMARKS**

Claims 1, 3, 5-9, 11-14 and 16-18 are pending in the above-identified application. Claims 1, 3, 5-9, 11-14 and 16-18 were rejected. With this Amendment, claims 7 and 12 were amended and claims 1, 3, 5, and 6 were cancelled. Accordingly, claims 7-9, 11-14, and 16-18 are at issue in the above-identified application.

### **Objection To Claims**

Claims 1, 3, 7, and 12 were objected to because of informalities. Applicants have canceled claims 1 and 3 and have amended claims 7 and 12 to correct these informalities. Withdrawal of this objection is respectfully requested.

### **35 U.S.C. § 102 Anticipation Rejection of Claims and 35 U.S.C. § 103 Obviousness**

#### **Rejection of Claims**

Claims 1, 3, 5-9, 12-14, 17, and 18 were rejected under 35 U.S.C. § 102(a) as being anticipated by the CAPLUS abstract for Prosini et al. "Improved electrochemical performance of a  $\text{LiFePO}_4$ -based composite cathode", Electrochimica Acta (2001), 46(3), pp. 3517-3523. Claims 1, 3, 5-9, 11-14, and 16-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *Barker et al.* (U.S. Patent No. 6,528,033 B1). Applicant respectfully traverses these rejections.

Claims 1, 3, 5 and 6 were canceled. Additionally, remaining claims 7-9, 11-14, and 16-18 all recite a method wherein lithium phosphate ( $\text{Li}_3\text{PO}_4$ ) and iron phosphate hydrides ( $\text{Fe}_3(\text{PO}_4)_2 \cdot n\text{H}_2\text{O}$ , where n denotes the number of water molecules), are used as starting material for synthesis of  $\text{Li}_x\text{FePO}_4$ . Applicants maintain that none of the cited references, either alone or

in combination, teach or even suggest using lithium phosphate and iron phosphate hydrides as starting material for the synthesis of  $\text{Li}_x\text{FePO}_4$ . Withdrawal of this rejection is respectfully requested.

### **Obviousness-Type Double Patenting**

Claims 1, 3, 5 and 6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of copending Application No. 09/972,375 in view of Barker et al. Claims 7-9, and 11-14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 and 10 of copending Application No. 09/961,895 in view of Barker et al. Claims 1, 3, 5, and 6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 (previously claim 9 of U.S. Application No. 09/972,395) of U.S. Patent No. 6,656,635 (previously U.S. Patent Application No. 09/972,395) in view of Barker et al. Claims 1, 3, 5 and 6 were canceled. Additionally, remaining claims 7-9, 11-14, and 16-18 all recite a method wherein lithium phosphate ( $\text{Li}_3\text{PO}_4$ ) and iron phosphate hydrides ( $(\text{Fe}_3(\text{PO}_4)_2 \cdot n\text{H}_2\text{O})$ , where  $n$  denotes the number of water molecules), are used as starting material for synthesis of  $\text{Li}_x\text{FePO}_4$ . Applicants maintain that none of the cited references, either alone or in combination, teach or disclose all the above limitations. Withdrawal of this rejection is respectfully requested.

In view of the foregoing, Applicant submits that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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